

Town of Haysi
Minutes of Monthly Town Council Meeting
October 5, 2010 @ 7:00 p.m.

On October 5, 2010, the regular meeting of the Haysi Town Council was held in the Council Chambers of the Haysi Town Hall Municipal Building located at 322 Main Street, Haysi, Virginia.

The following members were present:

Vice Mayor Michael Harris and Council Members: Diana Reedy, Dennis Reedy, Johnnie Branham, Joe Sperow & Rocky Wood.

Mayor Larry Yates was absent.

ITEMS # I & II

The meeting was called to order by Vice-Mayor Michael Harris at 7:03 p.m. and Chief George Wallace offered the invocation. Vice-Mayor Harris announced that he would be conducting the meeting due to the absence of Mayor Yates.

ITEM # III - APPROVAL OF THE AGENDA

At this time Vice-Mayor Yates asked Council for any additions or changes to the agenda. After receiving none from the Council, Vice-Mayor Harris requested four additions to the agenda under New Business - (B-1) adoption of a Fair Housing Certification Resolution, (B-2) adoption of Residential Anti-Displacement & Relocation Assistance Plan (B-3) adoption of Local Business & Employment Plan and under New Business (C1) appoint a selection committee for the purpose of hiring a replacement for the town clerk position. At this time Vice-Mayor Yates announced that Town Clerk, Barbara Owens would be leaving the position and this would be her last council meeting. Vice-Mayor Harris asked for any other changes or additions. Council Member Diana Reedy requested an Executive Session. Vice-Mayor Harris stated an Executive Session would be added to agenda and conducted at the end of the meeting. At this time Vice-Mayor entertained a motion to accept the agenda with the additions as requested. **A motion was made by Council Member Rocky Wood** to approve the agenda with the noted additions, **with motion on the floor seconded by Council Member Dennis Reedy.** Let the record show the motion on the floor passed unanimously by verbal voting.

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ITEM # IV – APPROVAL OF MINUTES

Prior to the meeting, Council had received for consideration of approval a copy of the following prepared minutes:

- September 7, 2010 Monthly Town Council Meeting

Vice-Mayor Harris entertained a motion for approval. **A motion was made by Council Member Rocky Wood** to approve the minutes of the September 7, 2010, council meeting as presented, with motion on the floor being **seconded by Council Member Joe Sperow**. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # V – FINANCIAL REPORT

At this time the Council was presented the following for approval:

- Current listing of payables due for October 2010
- September 2010 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- September 2010 itemized listing of expenditures including checks # 9878-9924
- September 2010 Profit & Loss Report

After inspection of the September 2010 financial report, **a motion was made by Council Member Johnnie Branham** to accept the September 2010 revenue and expenditures & financial report as presented, with the motion on the floor **seconded by Council Member Rocky Wood**. Let the record show, Council Member Diana Reedy and Dennis Reedy voted no to the motion on the floor. Council Member Dennis Reedy stated he was voting no to the acceptance of the financial report because of expenditures not known to the Council at the time it was going and he was not in agreement to pay some of the expenditures and the subject would be discussed later in Executive Session. Council Member Diana Reedy also voted no to the motion. Let the record show, the motion on the floor passed with the following voting record:

Diana Reedy	No	Dennis Reedy	No	Johnny Branham	Yes
Rocky Wood	Yes	Joe Sperow	Yes		

ITEM # VI – OLD BUSINESS

At this time Council Member Dennis Reedy address Kay Owens to request an itemized list of the expenditures for the \$500 donation for the Autumn Festival and asked if there were any excess funding carried over each year. Ms. Owens replied that one band alone cost \$400 and proceeded to orally list other expenditures relating to the festival. Council Member Dennis Reedy replied he would like to have that in writing.

- A. Police Department Activity Report – Chief George Wallace reported the month of September busy with activities involving several warrants that were drug related. He reported the activities for the Autumn Fest went very smooth.

At this time Council Member Johnny Branham voiced his concerns of having a low number of outside vendors participating in the festival and suggested setting a different date for the festival so as not to compete with other local events. Anita Belcher addressed the Council to state she thought the parade was very good. Vice-Mayor Harris asked for any other questions relating to the police report. After receiving none he moved on the next item on the agenda.

- B. Adoption of Ordinance # 2010-02 Permitting Operation of Golf Carts on Public Highways in the Town of Haysi – Vice-Mayor Harris opened the discussion by stating an annual fee needed to be set for the registration of each golf cart. Vice-Mayor Harris asked if all council members were in agreement to assess a \$10.00 registration fee for each golf cart and edit the text in Section G2 to state - *the Town of Haysi shall require*. Council Member Johnny Branham asked if a motion was needed on the fee amount. Vice-Mayor Harris replied that would be discussed at the end of the discussion and would be stated as an addition to Item # G2 of the proposed ordinance. Vice Mayor Harris asked for any other questions and stated that a Public Hearing had been conducted prior to the regular meeting. After receiving no other comments, Vice-Mayor stated a roll call vote was needed. At this time, Council Member Rocky Wood asked if the ordinance was for the whole town or only certain streets with a 25 mph speed limit. Town attorney, Kerry Hay, replied the ordinance allowed the operation of golf carts on town streets with a 25 mph speed limit. Vice-Mayor Harris asked for a roll call vote:

Johnny Branham	yea	Joe Sperow	nay	Dennis Reedy	yea
Diana Reedy	yea	Rocky Wood	yea	Michael Harris	yes

Vice-Mayor Harris announced the Golf Cart Ordinance had passed for the whole town with a \$10 annual fee.

- C. Adoption of Resolution of Citizenship Award & Committee Recommendations
Vice-Mayor Harris entertained a motion to adopt the recommendations of the award selection committee. At this time, Vice-Mayor Harris announced next year's award would be announced during the Autumn Fest. Council Member Diana Reedy announced the committee had made a selection, but had not been able to finalize the decision in time to make the announcement during the Autumn Fest. A motion was made by Council Member Rocky Wood to accept the recommendations of the Citizenship Award Committee, with motion on the floor seconded by Johnny Branham. Let the record show the motion was passed unanimously by verbal voting.
- D. Animal Control Ordinance – Vice-Mayor Harris opened the discussion by stating the proposed ordinance had been discussed during the two prior meetings. He continued by stating a Public Hearing needed to be scheduled prior to the November meeting. He asked Chief Wallace his opinion of the proposed ordinance. Chief Wallace responded by stating he thought the ordinance had a stronger enforcement section and described in more detail the owners control of the animal. Anita Belcher asked if the proposed ordinance included cats. Council Member Rocky Woods asked town attorney, Kerry Hay, if the proposed ordinance did include cats. Mr. Hay replied that the proposed ordinance would need to be reworded to include cats. Council Member Rocky Wood stated Section 2 stated “any animal” and in Section 3 the ordinance stated “other than a domestic cat”. Mr. Hay stated that could be addressed during the Public Hearing. Council Member Dennis Reedy stated he thought the council has previously adopted a cat ordinance. Council Member Rocky Woods stated he had asked the town clerk to research, and records showed that a cat ordinance had not been adopted. Vice Mayor Harris stated a Public Hearing would be scheduled on November 2nd @ 6:45 pm prior to the regular meeting to receive public comment on the adoption of an Animal Control Ordinance.

At this time Council Member Rocky Wood thanked Kay Owens for all of her help during the Autumn Fest.

ITEM # VII – MAYOR’S COMMENTS

Let the record show, due to the absence of Mayor Yates, there were none.

ITEM # VIII – COUNCIL COMMENTS

Let the record show there were no council comments at this time.

ITEM # IX – NEW BUSINESS

- A. Observation of Halloween Trick or Treating - Vice Mayor Harris opened the discussion by stating Sunday, October 31st, from 5 pm – 8 pm had been recommended and that was the same time the county would be observing Halloween. He asked if anyone had any objections to the date and time. After receiving none, Vice Mayor Harris entertained a motion to designate Sunday, October 31st from 5-8 pm for Halloween Trick or Treating. A motion was made by Council Diana Reedy to observe Halloween Trick or Treating on Sunday, October 31 from 5-8 pm, with motion on the floor seconded by Council Member Johnny Branham. Let the record show the motion passed unanimously by verbal voting.

After several public comments requesting the date for observing Halloween Trick or Treating be changed to Friday, October 29th, Council Member Rocky Wood made a motion to rescind the previous motion and change the Halloween Trick or Treating to be observed on Friday, October 29th from 5-8 pm, with motion on the floor seconded by Johnny Branham. Let the record show the motion was passed unanimously by verbal voting. The town clerk was instructed to publish the information as a Public Notice in the local newspaper.

- B. Adoption of: (1) Local Business & Employment Plan
(2) Residential Anti-Displacement & Relocation Assistance Plan
(3) Fair Housing Certification

Vice-Mayor Harris explained the Council needed to take action to adopt each of the two plans and the Fair Housing Certification in order to be in compliance with requirements relating to the Downtown Revitalization Project. He asked Council to refer to their copies and explained each document. At this time, he asked for questions concerning the adoptions of the proposed plans and certification. After receiving none, Vice-Mayor Harris entertained a motion to accept and adopt the certification and plans as presented. Council Member Rocky Wood made a motion to adopt the Local Business & Employment Plan, the Residential Anti-Displacement & Relocation Plan and the Fair Housing Certification, with motion on the floor seconded by Dennis Reedy. Let the record show the motion was passed unanimously by verbal voting.

- C. Selection Committee for Town Clerk Position – Vice-Mayor Harris asked for volunteers to serve on the committee. Let the record show, Rocky Wood, Johnny Branham and Diana Reedy volunteered to serve on the selection committee.

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ITEM # IX – NEW BUSINESS CONT'D

At this time Rocky Wood asked if the BPOL Ordinance included persons selling at flea markets. Town attorney, Kerry Hay, replied he would review and give an opinion.

ITEM # X - PUBLIC COMMENTS

Kay Owens addressed the council to thank the various persons involved in the success of the Autumn Fest and gave a brief report on the activities and attendance.

Anita Belcher addressed the council to state she thought the Autumn Fest went well and that the quilt show was amazing.

Kay Owens made a request to the Council to research the ownership of the Tiger Mart property. Mr. Hay said he would need the property boundaries in order to conduct the research.

At this time, Vice-Mayor Michael Harris asked Council if they wanted to go into an Executive Session and entertained a motion to convene for a Closed Session.

Council Member Dennis Reedy asked if something needed to be read going into an Executive Session in pursuant to Section, Section such and such.

Council Member Diana Reedy inquired if the Town Clerk has a copy of the statement. Town Clerk, Barbara Owens, replied negatively.

Vice- Mayor Harris asked Mr. Hay if he knew the procedure.

Mr. Hay replied the mayor read the statement the last time and he did not have a copy of that particular Code Section.

Council Member Dennis Reedy asked what could they do.

Mr. Hay replied the statement actually needed to be read to go into an Executive Session.

Council Member Diana Reedy, again asked Town Clerk, Barbara Owens, if she had a copy with her. She replied negatively, and asked if they wanted, for reference, a copy of the January 2010 minutes when the last Executive Session was conducted.

Vice Mayor Harris replied affirmatively.

Town Clerk left the meeting to obtain a copy of the requested January 2010 minutes.

At this time town attorney, Kerry Hay, instructed Council when the clerk returned, before going into the Executive Session, to refer to the appropriate Code Section without stating a specific Code.

Town Clerk, Barbara Owens, returned and handed Vice Mayor, for reference, a copy of the January 2010 minutes and explained the process taken when the Council conducted an Executive Session in January 2010 and suggested Mr. Hay further explain the proper process.

Vice Mayor Harris requested the Town Clerk have Mr. Hay review the copy of the January minutes. Mr. Hay confirmed the statement should be read and a certification

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ITEM # X - PUBLIC COMMENTS CONT'D

statement pursuant to the Code Section be read when coming out of the Executive Session.

Vice-Mayor Harris requested someone read the statement.

Council Member Johnny Branham made a motion to convene to a Closed Session to discuss the financial report. With motion of the floor, Vice-mayor Harris requested a second to the motion. Town Clerk, Barbara Owens, asked for a confirmation on the specifics of the motion.

Council Member Johnny Branham stated a motion needed to be made to go into an Executive Session to discuss the financial report.

Council Member Diana Reedy asked if that was all they needed to do.

Mr. Hay replied that a statement referring to the Article pursuant to the Code section needed to be made.

At this time, Town Clerk, Barbara Owens, reminded Council the Code referred to in the January minutes was for personnel

Council Member Rocky Wood asked if they would be covered if they said going into Closed Session in pursuant to whatever that Code Section might be.

Mr. Hay replied the motion would be acceptable if the Council understood what they were going to discuss in the Closed Session.

Town Clerk asked if the motion was being made to discuss the financial report pursuant to the Virginia Code Section for what ever that number would be.

Vice Mayor Harris replied affirmatively.

Council Member Johnny Branham stated the motion would refer to the Virginia Code Section and that way we -----.

Council Member Dennis Reedy stated they would be discussing personnel and he did not what all would come up.

Town Clerk asked for a clarification as to who made the second to the motion on the floor.

Council Member Dennis Reedy replied he made the second.

Vice Mayor Harris told the Town Clerk she could leave.

Council Member Rocky Wood stated he would like for the clerk to stay.

Vice Mayor Harris stated she should stay to be available to answer questions.

Let the record show that at 8:19 p.m., the Council convened to an Executive Session.

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ITEM # X - PUBLIC COMMENTS CONT'D

At approximately 8:58 p.m., Council Member Diana Reedy read the following certificate of closed session :

We certify that:

1. Only public business matters lawfully exempted from open meeting requirements under this chapter, and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Vice Mayor Harris asked for a roll call vote to certify the statement:

Dennis Reedy	Yea
Johnnie Branham	Yea
Michael Harris	Yea
Joe Sperow	Yea
Rocky Wood	Yea
Diana Reedy	Yea

ITEM # XI – ADJOURNMENT

There being no other business to be brought before the Council, **a motion was made by Council Member Rocky Wood, seconded by Council Member Johnnie Branham** to adjourn the meeting. Let the record show the motion was passed unanimously by verbal voting and the meeting was adjourned.

Larry D. Yates, Mayor

Attest:

Clerk